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FROM: Terry W. Kramer
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DATE: March 2, 2006

SUBJECT: U.S. Patent Application
Title: **BUSINESS METHOD AND SYSTEM FOR
COMMUNICATING PUBLIC-FACILITY STATUS
INFORMATION THROUGH A VIRTUAL TICKET
DEVICE**
Serial No.: 09/971,141
Attorney Docket No.: US 010496

PAGES: INCLUDING COVER PAGE (14)

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- Pre-Appeal Brief Request for Review (1 page)
- Request for Pre-Appeal Brief Conference (5 pages)
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/971,141	
	Filing Date	October 4, 2001	
	First Named Inventor	Laurie E. Gathman	
	Art Unit	3629	
	Examiner Name	Jonathan P. Ouellette	
Total Number of Pages in This Submission	13	Attorney Docket Number	US 010496

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Kramer & Amado, P.C.		
Signature	<i>Terry W. Kramer</i>		
Printed name	Terry W. Kramer		
Date	March 2, 2006	Reg. No.	41,541

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I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office (Fax No. (571) 273-8300) on <u>3/2/06.</u>		Application Number 09/971,141	Filed October 4, 2001
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Typed or printed name <u>ANGELICA RODRIGUEZ</u>		Art Unit 3629	Examiner Jonathan P. Ouellette
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>			
I am the		<u>Serry W. Kramer</u> Signature Terry Kramer Typed or printed name 703-519-9801 Telephone number <u>March 2 2006</u> Date	
<input type="checkbox"/> applicant/inventor.			
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)			
<input type="checkbox"/> attorney or agent of record. Registration number _____			
<input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 <u>41,541</u>			
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**PATENT**

In re Application of : Laurie E. Gathman et al.
:
For : BUSINESS METHOD AND SYSTEM
: FOR COMMUNICATING PUBLIC-
: FACILITY STATUS INFORMATION
: THROUGH A VIRTUAL TICKET
: DEVICE
:
Serial No.: : 09/971,141
:
Filed : October 4, 2001
:
Art Unit : 3629
:
Examiner : Jonathan P. Ouellette
:
Att. Docket : US 010496
:
Confirmation No. : 4048

PRE-APPEAL BRIEF REQUEST FOR REVIEW

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Commissioner for Patents
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Alexandria, VA 22313-1450

Sir:

REMARKS

This is in response to the Final Office Action dated November 2, 2005.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-4, 9-16, and 18-21 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Brown, US 2003/0061303. This rejection is respectfully traversed.

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Claim 1

By way of review, claim 1 relates to a method of doing business in a public facility in communication with at least one patron through a virtual ticket device ("VTD"). The VTD is detected with a communication range of a VTD interface, the identity and location of the detected VTD are determined, and information is selectively provided to the VTD based on the identity and location. A VTD is a device that is capable of receiving a downloaded virtual electronic ticket. See Application at page 22, ln. 6-18. Further, a ticket is a bearer instrument that is usually redeemed for entry into a facility.

The applied reference to Brown, US 2003/0061303 relates to a method, system, and program for providing information on proximate events. In particular, Brown provides a method, system, and program for transmitting information to a wireless device. See paragraph [0013]. A determination is made of a current location of the wireless device and whether the current location is within a proximity to a target location. *Id.* If the current location is within the proximity to the target location, then information is transmitted to the wireless device on *offerings* available at the target location. *Id.* The wireless device may be a personal digital assistant ("PDA") that is capable of receiving wireless markup language ("WML"). See paragraphs [0009], [0010].

The primary focus of Brown relates to a Personal Information Manager ("PIM"). See paragraph [0039]. The PIM program may enable calendar or scheduler operations. A calendar program enables one or more users to record and organize events and appointments. A scheduler program enables a group of colleagues to schedule meetings and other appointments, and share schedule and calendar information. *Id.* Through the client PIM software, a user could schedule a calendar event and create a scheduled event record. See paragraph [0044]. A commercial entity may broadcast advertisement on goods and services to PIM database users within a proximity to a retail outlet of the commercial entity using a unicast broadcasting program 526 and an eligible user list 528 (FIG. 10). See paragraph [0064]. A message schedule 530 is provided for each commercial entity submitting unicast broadcasts. *Id.* Brown further sets forth

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an example of an amusement park that may transmit information to park visitors on the availability of events of interest. See paragraph [0071].

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

In short, Brown fails to disclose the claimed virtual ticket device ("VTD"). A virtual ticket device must be capable of receiving a virtual electronic ticket. There is simply no disclosure what-so-ever that a PDA of Brown may be capable of receiving a virtual electronic ticket. Mere scheduling is not a ticket. One using the Brown PDA could potentially schedule restaurant reservations within an amusement park, but could not purchase a virtual ticket for entry into the park itself.

Moreover, because Brown fails to set forth a VTD in the first instance, Brown therefore cannot disclose any of the following claimed steps, such as: detecting that a VTD is within communication range of the VTD interface; determining the identity and location of the detected VTD; and selectively providing information to the identified VTD on the basis of the determined identity and location.

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Claim 12

Independent claim 12 sets forth the step of "transmitting the requested status information to at least one VTD." As set forth above, Brown fails to disclose a VTD, and therefore does not disclose transmitting the requested status information to at least one VTD as claimed.

Claim 18

Independent claim 18 sets forth at least one access point in communication with the electronic ticket control system, the access point being capable of communicating with a public-facility patron virtual ticket device. Brown fails to disclose a virtual ticket device. Brown further fails to disclose a public-facility patron virtual ticket device as claimed.

Claim 21

Independent claim 21 sets forth an access point coupled to transmit information messages formulated by the processor to a public-facility patron virtual ticket device. Brown fails to disclose a virtual ticket device. Brown further fails to disclose an access point to transmit messages to a public-facility patron virtual ticket device.

REJECTION UNDER 35 U.S.C. § 103

Claim 7

Dependent claim 7 stands rejected over Brown in view of Poor et al., US 2004/0263494. Poor relates to a location sensitive display device, system, and method of providing animation sequences. In paragraph [0158], a button may be used to view or ride an attraction without prior authorization (e.g., guests can use a pass to jump ahead of other guests *without* having to first obtain a paper ticket). Thus, Poor et al. actually teaches away from use of a ticket. The rewards system of Poor et al. fails to provide a virtual ticket device as claimed.

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CONCLUSION

While we believe that the instant pre-appeal brief places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues.

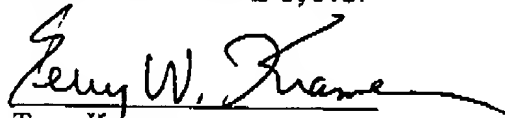
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Date:

March 2, 2006

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Respectfully submitted,
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